

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH LOCHUCH EWALAN,

Plaintiff,

v.

ROBERT SCHREIBER, et al.,

Defendants.

CASE NO. C20-5678JLR

ORDER

On April 15, 2024, *pro se* Plaintiff Joseph Lochuch Ewalan filed a motion “to present specific medical records” at trial based on his inability to subpoena his treating physician, Dr. Joseph T. Ho, to testify. (Mot. (Dkt. # 249).) The court understands this motion as seeking (1) the admission of certain medical records into evidence (*see id.* at 2-3 (arguing the records are admissible under Federal Rule of Evidence 602)), and (2) to substitute the records attached to the motion in place of certain exhibits already delivered to the courtroom deputy for trial (*see id.* at 6; *see also* Mot. Exhibit (Dkt. # 249-1)). The deadline for motions *in limine* has passed, and the deadline for delivering exhibits to the

1 courtroom deputy has likewise passed. (*See* Sched. Order (Dkt. # 163) at 2, 4.) The
2 court therefore STRIKES Mr. Ewalan's untimely motion (Dkt. # 249).

3 Mr. Ewalan is advised—again (*see* 3/21/24 Order (Dkt. # 212) at 1)—that ***he must***
4 ***seek admission of his exhibits during trial***; the court will not entertain further pre-trial
5 motions seeking admission of Mr. Ewalan's exhibits, and the court will strike any such
6 motion. With respect to his medical records, Mr. Ewalan must use the Bates-labeled
7 exhibits attached at Appendix A to the court's April 11, 2024 order, as previously
8 directed. (*See generally* 4/11/24 Order (Dkt. # 247).)

9 Finally, the court notes that Mr. Ewalan does not appear to understand Federal
10 Rule of Evidence 602, which governs matters of personal knowledge. *See* Fed. R. Evid.
11 602. Mr. Ewalan has personal knowledge and therefore may testify about matters such as
12 his personal experience in being assaulted and injured, his symptoms, pain, and treatment
13 he received, for example. Mr. Ewalan also has personal knowledge of any documents
14 that he himself created or prepared. But Rule 602 does not permit Mr. Ewalan to
15 introduce medical records prepared by third parties, nor does it otherwise allow him to
16 circumvent the rule against hearsay or the authentication requirement. *See* Fed. R. Evid.
17 802, 901. Accordingly, the court advises Mr. Ewalan once again to carefully review the
18 rules of evidence prior to trial.

19 Dated this 16th day of April, 2024.

20 

21 JAMES L. ROBART
22 United States District Judge